

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SUSAN ROSE MITCHELL,)	Case No.: 1:19 CV 1401
)	
Plaintiff)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
COMMISSIONER OF SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant)	<u>ORDER</u>

The Commissioner of Social Security Administration (the “Commissioner”) denied disability benefits and supplemental security income to Plaintiff Susan R. Mitchell (“Plaintiff” or “Mitchell”) in the above-captioned case. Plaintiff sought judicial review of the Commissioner’s decision, and this court referred the case to Magistrate Judge Thomas M. Parker (the “Magistrate Judge” or “Judge Parker”) for preparation of a Report and Recommendation (“R & R”). Both parties submitted briefs on the merits. Plaintiff requested an order vacating the Commissioner’s decision and remanding the case on the grounds that the Administrative Law Judge’s (“ALJ”) decision was not supported by substantial evidence because the ALJ failed to consider all of her physical impairments in determining her Residual Functional Capacity (“RFC”) and did not include restrictions that addressed her functional limitations. (Pl.’s Br., ECF No. 11.) The Commissioner sought final judgment upholding the decision below. (Def.’s Br., ECF No. 13.)

Judge Parker submitted an R & R (ECF No. 15) on March 12, 2020, recommending that the court vacate the Commissioner's decision and remand the case for further consideration. Specifically, the Magistrate Judge found that the ALJ "failed to apply proper legal standards and build an adequate and logical bridge between the evidence and the result when he failed to consider – or even indicate whether he considered – Mitchell's bipolar disorder in assessing" her RFC. (R & R at PageID #1491, ECF No. 15.) Judge Parker found that the ALJ did not consider Mitchell's bipolar disorder, and that the ALJ should decide in the first instance whether her bipolar disorder was a "medically determinable impairment." (*Id.* at PageID #1527–28.) In addition, Judge Parker found that the ALJ must determine whether Mitchell's bipolar disorder caused any functional limitations beyond the limitations caused by her other physical and mental impairments that were already considered in formulating her RFC. (*Id.* at PageID #1528.)

On March 13, 2020, the Commissioner informed the court that he would not be filing an Objection to the R & R. Accordingly, this matter is ripe for review.

The court finds, after careful *de novo* review of the R & R and all other relevant documents in the record, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own Judge Parker's Report and Recommendation (ECF No. 15). The court hereby vacates the Commissioner's final decision and remands the case for further consideration in light of the R & R.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

March 20, 2020